

**AMENDMENTS TO THE CLAIMS**

Claims 1.-52. (Canceled)

53. (Currently Amended) An isolated nucleic acid comprising a promoter which comprises a sequence of nucleotides comprising the sequence ACAGGACATCCCAGTGTGCAGTTCG (SEQ. ID.NO. 10) ~~selected from (i) the human promoter sequence shown in Figure 1 (SEQ. ID.NO. 1) and (ii) the mouse promoter sequence shown in Figure 2 (SEQ. ID.NO. 3), free or substantially free of utrophin coding sequence.~~

54. (Currently amended) An isolated nucleic acid according to claim 53 consisting essentially of a promoter which comprises the sequence of nucleotides shown 5' to position 1440 in Figure 1.

55. (Canceled)

56. (Currently Amended) An isolated nucleic acid according to claim 53 consisting essentially of a promoter which comprises the nucleotides numbered 1199 -1440 in the sequence shown in Figure 1.

57. (Canceled)

58. (Canceled)

59. (Currently Amended) An isolated nucleic acid consisting ~~essentially of a promoter which comprises a sequence of nucleotides that is an allele, mutant or derivative, by way of addition, insertion, deletion or substitution of one or more nucleotides, of the promoter sequence shown in Figure 1, which sequence has~~having at least 6090% homology identity with the sequence of nucleotides shown 5' to position 1440 in figure 1 or having at least 90% identity with the nucleotides numbered 1199-1440~~with the promoter sequence shown in figure 1 and which promoter, when operably linked to a sequence of nucleotides, has the ability to initiate transcription of that sequence, said transcription being muscle-specific.~~

60. (Canceled)

61. (Canceled)

62. (Currently Amended) A nucleic acid construct comprising a promoter the sequence ACAGGACATCCCAGTGTGCAGTTCG (SEQ. ID.NO. 10) ~~an isolated nucleic acid according to any of the preceding claims operably linked to a heterologous sequence.~~

63. (Currently Amended) A nucleic acid construct ~~comprising an isolated nucleic acid according to any one of claims 53 to 61~~ 62 wherein the heterologous sequence operably linked to is a coding sequence.

64. (Previously Presented) A nucleic acid construct according to claim 63 wherein said coding sequence encodes a reporter molecule.

65. (Previously Presented) An in vitro host cell comprising a nucleic acid construct according to claim 63.

66. (Previously Presented) An in vitro host cell comprising a nucleic acid construct according to claim 64.

67. (Previously Presented) A method comprising culturing a host cell according to claim 65 under conditions for expression of the peptide or polypeptide encoded by said coding sequence.

68. (Previously Presented) A method as claimed in claim 67 wherein said coding sequence encodes a reporter molecule.

69. (Previously Presented) A method according to claim 67 comprising detection of transcription of said coding sequence.

70. (Previously Presented) A method according to claim 67 comprising detection of expression of the peptide or polypeptide encoded by said coding sequence.

Claims 71-76 (Canceled)

77. (Currently Amended) An isolated nucleic acid molecule comprising a nucleotide sequence encoding a polypeptide including the amino acid sequence shown in Figure 1 (SEQ. ID.NO. 2) ~~or Figure 2 (SEQ. ID.NO. 4).~~

78. (Currently Amended) An isolated nucleic acid molecule comprising a nucleotide sequence encoding a polypeptide that is an allele, mutant or derivative of a polypeptide including the amino acid sequence shown in Figure 1, which amino acid sequence has at least ~~60~~90% ~~homology~~ identity with the polypeptide sequence in Figure 1 ~~or Figure 2.~~

79. (Canceled)

80. (Previously Presented) An isolated nucleic acid molecule comprising a nucleotide sequence encoding a polypeptide having the amino acid sequence shown in Figure 9 (SEQ. ID.NO. 9).

81. (Previously Presented) An isolated nucleic acid molecule comprising the nucleotide sequence shown in Figure 9 (SEQ. ID.NO. 8).

82. (Previously Presented) A nucleic acid of any one of claims 77 to 81 comprised in a vector.

83. (Previously Presented) A nucleic acid according to any one of claims 77 to 81 comprised in an expression vector.

84. (Previously Presented) An in vitro host cell containing an expression vector according to claim 83.

85. (Previously Presented) A method including introduction of nucleic acid according to any of claims 77 to 81 into a cell.

86. (Previously Presented) A method as claimed in claim 85 wherein said nucleic acid is an expression vector.

87. (Previously Presented) A method according to claim 85 wherein said introduction takes place in vitro.

88. (Previously Presented) A method as claimed in claim 85 which includes causing or allowing expression of said polypeptide encoding nucleotide sequence in a cell.

89. (Previously Presented) A method according to claim 88 wherein the cell is part of a mammal.

90. (Previously Presented) A method according to claim 88 wherein the expression product is purified and/or isolated following expression.

91. (Previously Presented) A method according to claim 90 wherein the expression product is formulated into a composition which includes at least one additional component, following purification and/or isolation of the expression product.

Claims 92-111 (Canceled)

112. (New) A nucleic acid construct comprising a promoter which comprises the nucleotides numbered 1199 - 1440 in the sequence shown in Figure 1, operably linked to a heterologous sequence.

113. (New) A nucleic acid construct comprising a promoter which comprises the sequence of nucleotides shown 5' to position 1440 in Figure 1, operably linked to a heterologous sequence.

114. (New) A nucleic acid construct comprising a promoter which comprises a sequence having at least 90% identity with the sequence of nucleotide shown 5' to position 1440 in Figure 1 or having at least 90% identity with the nucleotides numbered 1199-1440 in Figure 1, operably linked to a heterologous sequence.

115. (New) A nucleic acid construct according to claim 112 wherein the heterologous sequence is a coding sequence.

116. (New) A nucleic acid construct according to claim 113 wherein the heterologous sequence is a coding sequence.

117. (New) A nucleic acid construct according to claim 114 wherein the heterologous sequence is a coding sequence.